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14 WILLIAM TAYLOR

15 **UNLIMITED JURISDICTION**
16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF LOS ANGELES**

18 WILLIAM TAYLOR,

19 Plaintiff,

20 vs.

21 CITY OF BURBANK and DOES 1 through
22 100, inclusive,

23 Defendants.

24) **CASE NO. BC 422 252**

25) **[Assigned to the Hon. John L. Segal,**
26 **Judge, Dept. "50"]**

27) **NOTICE OF MOTION AND MOTION**
28) **FOR INJUNCTIVE RELIEF;**
) **MEMORANDUM OF POINTS AND**
) **AUTHORITIES; DECLARATION OF**
) **PLAINTIFF WILLIAM TAYLOR IN**
) **SUPPORT THEREOF**

DATE: May 22, 2012
TIME: 8:30 a.m.
DEPT.: "50"

29) **Action Filed: September 22, 2009**

30 **TO THE ABOVE ENTITLED COURT, ALL PARTIES, AND TO THEIR**
31 **RESPECTIVE ATTORNEYS OF RECORD HEREIN:**

32 **PLEASE TAKE NOTICE** that on **May 22, 2012 at 8:30 a.m.** in the Los Angeles
33 County Superior Court, 111 N. Hill Street, **Department "50,"** Los Angeles, California

1 90012, Plaintiff William Taylor (hereafter "Plaintiff" or "Taylor") will move for an order for
2 injunctive relief requesting that this Court grant the following injunctive relief to make
3 Plaintiff whole:


- 4 1. That Taylor's personnel file be purged of any reference to wrongdoing
5 concerning what was referred to during the trial as the Porto's II
6 Investigation conducted by James Gardiner;
- 7 2. That the City and Chief of Police be ordered to change the findings in
8 Investigation 34 (Taylor investigation conducted by Gardiner) to
9 "Unfounded;"
- 10 3. That any reference to any type of misconduct mentioned in Investigation 34
11 concerning William Taylor be purged and removed permanently from any
12 personnel files maintained by the City of Burbank, Burbank Police
13 Department and the Burbank City Attorney's Office;
- 14 4. That all personnel records maintained by the City of Burbank, Burbank
15 Police Department and the Burbank City Attorney's Office, reflect that
16 William Taylor honorably retired at the rank of Deputy Chief on or about
17 June 10, 2010, and that all reference to termination be purged from any and
18 all records concerning William Taylor;
- 19 5. That the City of Burbank and Burbank Police Chief are ordered to issue
20 William Taylor a retirement badge and identification card at the rank of
21 Deputy Chief indicating Taylor was honorably retired on June 10, 2010;
- 22 6. That the City of Burbank and Burbank Chief of Police are ordered to notify
23 CalPers and POST that the termination of William Taylor has been changed
24 to an honorable retirement;
- 25
26
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1 Plaintiff's motion for injunctive relief will be based on this notice of motion, the
2 attached Memorandum of Points and Authorities, the declaration of Plaintiff William
3 Taylor, all of the pleadings and records on file with the court herein, all of the testimony
4 and exhibits used during trial, as well as such oral and documentary evidence as may be
5 presented at the time of the hearing for this motion.
6

7
8 Dated: April 24, 2012

LAW OFFICES OF GREGORY W. SMITH

9
10 By:



GREGORY W. SMITH
Attorneys for Plaintiff
WILLIAM TAYLOR

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2

3 **I. INTRODUCTION**

4 Plaintiff was the prevailing party in a trial that concluded on or about March 19,
5 2012. Plaintiff prevailed on his FEHA claims and *Labor Code* section 1102.5 causes of
6 action and was awarded damages by way of a general verdict that had been prepared
7 and requested by Defendant City of Burbank.

8

9 Plaintiff now requests that this Court grant the following injunctive relief to make
10 Plaintiff whole:

- 11 8. That Taylor's personnel file be purged of any reference to wrongdoing
12 concerning what was referred to during the trial as the Porto's II
13 Investigation conducted by James Gardiner;
- 14
- 15 9. That the City and Chief of Police be ordered to change the findings in
16 Investigation 34 (Taylor investigation conducted by Gardiner) to
17 "Unfounded;"
- 18
- 19 10. That any reference to any type of misconduct mentioned in Investigation 34
20 concerning William Taylor be purged and removed permanently from any
21 personnel files maintained by the City of Burbank, Burbank Police
22 Department and the Burbank City Attorney's Office;
- 23
- 24 11. That all personnel records maintained by the City of Burbank, Burbank
25 Police Department and the Burbank City Attorney's Office, reflect that
26 William Taylor honorably retired at the rank of Deputy Chief on or about
27 June 10, 2010, and that all reference to termination be purged from any and
28 all records concerning William Taylor;

1 12. That the City of Burbank and Burbank Police Chief are ordered to issue
2 William Taylor a retirement badge and identification card at the rank of
3 Deputy Chief indicating Taylor was honorably retired on June 10, 2010;

4 13. That the City of Burbank and Burbank Chief of Police are ordered to notify
5 CalPers and POST that the termination of William Taylor has been changed
6 to an honorable retirement;
7

8 14. City of Burbank and Burbank Police Chief are ordered to issue William
9 Taylor a CCW permit so that he may carry a concealed weapon.
10

11 **II. ARGUMENT**

12 Plaintiff is the prevailing party in a FEHA lawsuit brought against the City of
13 Burbank.
14

15 "We have held 'that, in a civil action under the FEHA, all relief generally available in
16 noncontractual actions . . . may be obtained.' This includes injunctive relief." *Aguilar v.*
17 *Avis Rent A Car System, Inc.* (1999) 21 Cal.4th 121, 132.

18 Plaintiff requests injunctive relief as set forth above to restore his permit to carry a
19 concealed weapon, that his records be expunged to show no discipline as a result of the
20 adverse actions taken against him as reflected by the jury verdict, and that he be provided
21 with a retirement badge and ID from the City of Burbank reflecting his retirement in good
22 standing from the Burbank Police Department as a Deputy Chief; *Plaintiff's First Amended*
23 *Complaint, Prayer paragraph 3.*
24

25 It is the normal practice of the Burbank Police Department to issue a retirement flat
26 badge and retirement identification card with a CCW permit to all honorably retired sworn
27 police officers of any rank. If Plaintiff is not provided with these items, he will have less
28 than his peers and his ability to find work in the future will be irreparably harmed.

1 Further, the false and slanderous information set forth in Investigation number 34
2 and in Porto's II concerning William Taylor must be purged (along with notification to
3 CalPers and POST) otherwise, Plaintiff will never be able to obtain employment in the
4 future with any law enforcement agency or, for that matter any management position,
5 which decides to conduct a thorough background investigation. In this regard, Plaintiff will
6 be irreparably injured.
7

8 On a final note, the FEHA statute is designed to make a Plaintiff whole after
9 suffering from discrimination or retaliation. Here, Taylor will also suffer continuous loss of
10 reputation if the Court does not clear his name.
11


12 **III. CONCLSION**

13
14 For the foregoing reasons, it is respectfully requested that the Court grant Plaintiff's
15 request for injunctive relief as set forth above.
16

17 Dated: April 24, 2012

LAW OFFICES OF GREGORY W. SMITH

18
19 By:



GREGORY W. SMITH
Attorneys for Plaintiff
WILLIAM TAYLOR

“DECLARATION”

DECLARATION OF WILLIAM TAYLOR

I, William Taylor, hereby declare:

1. I am the Plaintiff in this action.

2. I am over eighteen (18) years of age. If called upon, I could and would testify to the facts contained herein from my personal knowledge.

3. This declaration is submitted in support of my Motion for Injunctive Relief.

4. It is the normal practice of the Burbank Police Department to issue a retirement flat badge and retirement identification card with a CCW permit to all honorably retired sworn police officers of any rank.

5. If I am not provided with these items, I will have less than my peers and my ability to find work in the future will be irreparably harmed.

6. The false and slanderous information set forth in Investigation number 34 and in Porto's II concerning me must be purged (along with notification to CalPers and POST) otherwise, I will never be able to obtain employment in the future with any law enforcement agency, or for that matter any management position, which decides to conduct a thorough background investigation. In this regard, I will be irreparably injured.

7. Additionally, I am requesting that the court clear my name so that I can regain my good reputation and standing in the community in which I live. Without my name being cleared, I will be irreparably injured.

8. With respect to paragraphs 3 through 7, there are no other means in which I or my attorneys can force the City of Burbank to take the actions we are requesting in this motion. The only relief I am aware of that will make me whole again is through this Court granting my request for injunctive relief.

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///

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 Executed this 24th day of April 2012, at Beverly Hills, California.

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5 William H. Taylor
6 WILLIAM TAYLOR
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PROOF OF SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years of age, and am not a party to the within action; my business address is 9100 Wilshire Boulevard, Suite 345E, Beverly Hills, California 90212.

On the date hereinbelow specified, I served the foregoing document, described as set forth below on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes, at Beverly Hills, addressed as follows:

DATE OF SERVICE : April 25, 2012

DOCUMENT SERVED : NOTICE OF MOTION AND MOTION FOR
INJUNCTIVE RELIEF; MEMORANDUM OF POINTS
AND AUTHORITIES; DECLARATION OF PLAINTIFF
WILLIAM TAYLOR IN SUPPORT THEREOF

PARTIES SERVED : SEE ATTACHED SERVICE LIST.

XXX (BY REGULAR MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Beverly Hills, California. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

XXX (BY ELECTRONIC MAIL) I caused such document to be electronically mailed to **Christopher Brizzolara, Esq.** at the following e-mail address: samorai@adelphia.net.

XXX (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

— (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED at Beverly Hills, California on April 25, 2012.

Selma I. Francia

SERVICE LIST

WILLIAM TAYLOR v. CITY OF BURBANK
LOS ANGELES COUNTY SUPERIOR COURT CASE NO. BC 422 252

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